

Appl. No. 10/758,218
Reply to Official Action mailed on 10/25/2006

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Remarks/Arguments

Claims 1-6, 9-11, 13, 15-21, 23, 26, 28 and 29 have been amended. Claims 7, 8 and 22 have been cancelled. Claims 12, 14, 24, 25 and 27 remain unchanged. Claims 1-6, 9-21 and 23-29 remain in the application. In view of the foregoing amendments, and the remarks that follow, Applicant respectfully requests reconsideration.

Allowable Subject Matter

Noted with appreciation is the indication in the Office Action that claims 5-7, 20, 21 and 27-29 recite allowable subject matter, and would be allowed if rewritten in independent form (point 7), and that claim 26 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph (point 6).

Claim 26 has been amended in view of the rejections under 35 U.S.C. 112, 2nd paragraph, as discussed in greater detail below. Applicant respectfully submits that amended claim 26, and all claims depending therefrom, are now in proper condition for allowance.

Applicant has incorporated some of the features of claim 5 into independent claim 1, and has also incorporated some of the features of claim 20 into independent claim 16. Applicant respectfully submits that amended claims 1 and 16 are now in proper form for allowance.

Accordingly, it is believed to be unnecessary at this time to separately place allowable claims 5-7, 20, 21 and 27-29 in independent form.

Specification

The abstract has been amended as suggested at Point 1 of the Office Action. In particular, the phrase "is disclosed" has been deleted. Favorable consideration is kindly requested.

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Claim Objections

Claim 5 has been amended to recite "the mounting end of said support" as suggested at Point 2 of the Office Action. Favorable consideration is kindly requested.

Claim Rejections – 35 USC § 112

Claims 1-4, 8-19, 22-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended claims 1 and 16 in order to define the phrase "a baggage elevating element" with respect to structural features that provide a standard of equivalence in the art. In particular, amended claims 1 and 16 recite:

"a baggage elevating element mounted adjacent to the baggage access port of the walkway, the baggage elevating element including a controllable baggage lift mechanism and a baggage enclosure, the controllable baggage lift mechanism coupled to the baggage enclosure for controllably raising and lowering the baggage enclosure between an upper station adjacent to the access port of the walkway and a lower station at a height that is disposed elevationally below the access port of the walkway."

An example of support for the proposed amendment to claims 1 and 16 may be found at originally filed claims 8 and 22, respectively. Applicant respectfully submits that the phrase "a baggage elevating element" is neither vague nor indefinite in view of the proposed amendments to claims 1 and 16. Favorable consideration is kindly requested.

Furthermore, the preamble of claims 1, 16 and 26 has been amended to specify that the "foundation" is "an existing foundation that is formed within a portion of the apron surface below the passenger boarding bridge, the existing foundation including a plurality of studs protruding therefrom." An example of support for the proposed amendment may be found at Figures 4a, 5a, 5b, etc. which all show an existing foundation (6) that is formed within a portion of the apron surface below the passenger boarding bridge. In particular, Figure 5b shows clearly that the existing foundation (6) has definite boundaries within the

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apron surface. Additionally, at paragraph [0006] of the application as originally filed it is indicated, that "in the case of an existing passenger boarding bridge the existing foundation is centered a standard distance of 4'6" from the face of the terminal" and that such a foundation is typically made of concrete. Applicant respectfully submits that it is now absolutely clear that the "foundation" is "an existing foundation that is formed within a portion of the apron surface below the passenger boarding bridge." One of ordinary skill in the art would be familiar with such existing foundations, and accordingly would not interpret "the foundation" or "a mounting structure of the foundation" to be solely inclusive of the airport tarmac.

Since it is now clearly defined in the claims that the "foundation" is "an existing foundation that is formed within a portion of the apron surface below the passenger boarding bridge, the existing foundation including a plurality of studs protruding therefrom," Applicant respectfully submits that is clear how "supporting the rotunda...at a position that is horizontally displaced from the foundation" is performed, and how the location of the support is defined, since one of ordinary skill in the art would not interpret the foundation as solely inclusive of the airport tarmac.

In view of the above-mentioned amendments to claims 1, 16 and 26, Applicant respectfully requests withdrawal of the 35 U.S.C. 112, 2nd paragraph rejections.

Claim Rejections - 35 USC § 102

Claims 1, 3, 8, 9, 11-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Ratliff et al. (US Patent 6,658,685 B1).

Independent claim 1 stands rejected under 35 USC § 102 as being anticipated by Ratliff et al. Applicant has amended claim 1 in order to more clearly specify the differences between the recited subject matter and Ratliff et al. In particular, claim 1 has been amended to specify "a support including a mounting end configured for engaging the plurality of studs protruding from the existing foundation." An example of support in the application as originally filed may be found at claim 5. No new matter has been added. Applicant respectfully submits that Ratliff et al. neither teaches nor suggests a support including a mounting end configured for engaging the plurality of studs protruding from

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the existing foundation. Accordingly, amended claim 1 is believed to be in allowable form. Favorable consideration is kindly requested.

Applicant wishes to further state that, although claim 1 has been amended in order to more clearly specify the differences between the recited subject matter and Ratliff et al., nevertheless Applicant disagrees with the interpretation of the teachings of Ratliff et al. In particular, Ratliff et al. does not teach a walkway for coupling a terminal building access port and a rotunda, as is suggested at page 4 of the Office Action. No person of ordinary skill in the art would likely consider the "bubble shaped cab 113" (see Ratliff et al. col. 3, line 17) to be equivalent to a rotunda. In fact, Ratliff et al. properly use the term rotunda at col. 3, line 4, where it is stated "the bridge comprises a rotunda 103 which is coupled to an airport structure 105." Furthermore, Figure 1 clearly shows the rotunda 103 atop pedestal 107 and coupled directly to the airport structure 105 in known fashion. Ratliff et al. does not teach or suggest disposing a walkway between the rotunda 103 and the airport structure 105. Accordingly, and in view of the above-mentioned amendment, Applicant considers amended claim 1 to be in proper form for allowance.

Claim 3 has been amended in order to use terminology that is more consistent with amended claim 1. In particular, two instances of the phrase "foundation" have been amended to read "existing foundation." No new matter has been added. Having regard to amended claim 3, Applicant notes that the phrase "existing foundation" is defined clearly in amended claim 1, and that one of ordinary skill in the art would not interpret the phrase to be "solely inclusive of the airport tarmac" but rather as being formed within a portion of the apron surface below the passenger boarding bridge. Ratliff et al. does not teach or suggest the lift system 141 being installed on an existing foundation, but rather it is mounted to the bubble shaped cab 103, which is far removed from the existing foundation. Accordingly, Applicant respectfully submits that Ratliff et al. do not teach each and every feature of claim 3. Applicant further submits that amended claim 3, which depends from believed allowable amended claim 1, is also in proper condition for allowance. Favorable consideration is kindly requested.

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Claim 8 has been cancelled. The features recited at claim 8 have been incorporated into amended claim 1.

Claims 9 and 11 have been amended to depend directly from claim 1. The cancellation of claim 8 necessitated the amendments to claims 9 and 11. Claims 13 and 15 have been amended in view of the amendments that were made to claim 1. No new matter has been added in the above-mentioned amendments. Claims 9 and 11-15 depend either directly or indirectly from believed allowable amended claim 1 and are also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Claim Rejections - 35 USC § 103

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ratliff et al. (US Patent 6,658,685) in view of Gainere (US Patent 6,676,359).

Claim 10 has been amended to depend directly from claim 1. The amendment was necessitated by the cancellation of claim 8. No new matter has been added. Applicant respectfully submits that amended claim 10, which depends directly from believed allowable amended claim 1, is also in proper condition for allowance. Favorable consideration is kindly requested.

Claims 2-4, 16-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratliff et al. (US Patent 6,658,685) in view of Thomas, Jr. (US Patent 5,048,936).

Claim 16 has been amended in a manner similar to that which was described *supra* with reference to amended claim 1. Accordingly, the same arguments that were presented with reference to amended claim 1 also apply to amended claim 16, *mutatis mutandis*. In particular, no combination of Ratliff et al. and Thomas, Jr. teaches "a support for mounting the baggage handling unit to the protruding studs of the existing foundation" as is recited at amended claim 16. Accordingly, amended claim 16 is believed to be in allowable form. Favorable consideration is kindly requested.

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Claims 2-4 and 17-18 have been amended in order to use terminology that is more consistent with amended claims 1 and 16, respectively. In particular, all instances of the phrase "foundation" have been amended to read "existing foundation." No new matter has been added. Having regard to claim claims 2-4 and 17-18, Applicant respectfully submits that independent claims 1 and 16 have been amended in order to clearly define the phrase "existing foundation." Claims 1 and 16 now clearly state "an existing foundation that is formed within a portion of the apron surface below the passenger boarding bridge, the existing foundation including a plurality of studs protruding therefrom." Accordingly, the Examiner's broad interpretation that the "foundation" is "solely inclusive of the airport tarmac" is not appropriate. No combination of the cited references Ratliff et al. and Thomas, Jr. teaches, for instance, "the baggage handling unit is for, in use, counterbalancing the aircraft engaging portion of the existing passenger boarding bridge such that a moment imposed from the baggage handling unit to the existing foundation is at least partially compensated," as is recited at claim 2. Thomas, Jr. merely teaches counterbalancing the rotunda using a lead weight, whilst Ratliff et al. merely teaches a lift system mounted to the bubble shaped cab. Certainly, there is no teaching or suggestion in the cited references that a baggage handling unit itself, in use, counterbalances the aircraft engaging end of the passenger boarding bridge. Applicant respectfully submits that claims 2-4 and 17-18, which depend from either believed allowable amended claim 1 or 16, are also in proper condition for allowance. Favorable consideration is kindly requested.

Having regard to claim 19, Applicant is uncertain how the structure outlined in the Office Action relates to the claimed subject matter. The mounting plate 126 does not appear to engage a mounting structure of the foundation, but rather appears to be a cross-member for supporting the lift columns 121 of the bogie. Clarification is required.

Still having regard to claim 19, Applicant has amended the claim to recite "wherein the support includes a mounting plate for engaging a mounting structure of the existing foundation, the mounting structure of the existing foundation comprising the plurality of studs protruding from the existing foundation." An example of support for the proposed amendment may be found in the application as originally filed at Figure 6a, and claims 20 and 21. One of ordinary skill in the art would reasonably infer that the mounting structure

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of the existing foundation comprises the plurality of studs, based upon the figures and accompanying text in the detailed description, and based upon the wording of the other claims in the application as filed. No new matter has been added. Applicant respectfully submits that no combination of the cited references teaches the feature that is recited at amended claim 19. In particular, no combination teaches a mounting plate of the support for engaging the plurality of studs protruding from the existing foundation. Claim 19, which depends from believed allowable claim 16, is also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Claim 22 has been cancelled.

Claim 5 has been amended to overcome the objection raised at point 2 of the Office Action, as discussed *supra*. Amended claim 5 depends from believed allowable claim 1 and is also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Claim 6 has been amended in order to provide terminology that is more consistent with that of amended claim 1. No new matter has been added. Amended claim 6 depends from believed allowable amended claim 1 and is also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Claim 7 has been cancelled.

Claims 20 and 21 have been amended in order to provide terminology that is more consistent with that of amended claim 16. No new matter has been added. Amended claims 20 and 21 depend from believed allowable amended claim 16 and are also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Claim 23 has been amended to depend directly from claim 16. The cancellation of claim 22 necessitated the amendment to claim 23. No new matter has been added. Amended claim 23 depends directly from believed allowable amended claim 16 and is also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

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Claims 24 and 25 depend from believed allowable amended claim 16 and are also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Claim 27 depends directly from believed allowable amended claim 26 and is also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Claims 28-29 have been amended in order to use terminology that is more consistent with amended claim 26. In particular, all instances of the phrase "foundation" have been amended to read "existing foundation." No new matter has been added. Amended claims 28-29 depend from believed allowable amended claim 26 and are also believed to be in proper condition for allowance. Favorable consideration is kindly requested.

Applicant looks forward to receiving favourable reconsideration of the present application.

Please charge any additional fees required or credit any overpayment to Deposit Account No: 50-1142.

Respectfully submitted,



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